

MARGARET A. KEANE (State Bar No. 255378)
mkeane@dl.com
KRIS H. MAN (State Bar No. 246008)
kman@dl.com
DEWEY & LEOEUF LLP
One Embarcadero Center
Suite 400
San Francisco, CA 94111-3619
Telephone: (415) 951-1100
Facsimile: (415) 951-1180

E-FILED - 5/22/08

*Attorneys for Defendant
LSI Appraisal, LLC*

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

FELTON A. SPEARS, JR. and ,
SIDNEY SCHOLL, on behalf of themselves
and all others similarly situated,

Plaintiffs,

vs.

WASHINGTON MUTUAL, INC.,
a Washington corporation;
FIRST AMERICAN EAPPRAISEIT,
a Delaware corporation; and
LENDERS SERVICE, INC.,

Defendants.

) Case No. 5:08-cv-00868 (RMW)

) CLASS ACTION

) **STIPULATION AND** [XXXXXXXXXXXXXXXXXX]
) **ORDER RE: RESCHEDULING OF**
) **BRIEFING SCHEDULE AND**
) **HEARING DATE ON DEFENDANTS'**
) **MOTIONS TO DISMISS**

) **Honorable Ronald M. Whyte**

WHEREAS, on March 28, 2008, Plaintiffs filed their amended complaint; and Defendants were required to answer or otherwise respond on or before May 2, 2008;

WHEREAS, on May 2, 2008, Defendants filed their respective motions to dismiss, with hearing for the motions to dismiss set for July 15, 2008;

WHEREAS, Plaintiffs' opposition to Defendants' motions to dismiss was due on or before June 10, 2008;

WHEREAS, Defendants' reply brief to Plaintiffs' opposition to Defendants' motions to dismiss was due on or before July 1, 2008;

STIPULATION AND [XXXXXXXXXX] ORDER RE: RESCHEDULING OF BRIEFING SCHEDULE AND HEARING DATE

1 WHEREAS, on May 9, 2008, Defendants First American eAppraiseIT and Lenders Service,
2 Inc. filed declinations to proceed before a Magistrate Judge and request for reassignment to a District
3 Judge;

4 WHEREAS, on May 12, 2008, the instant case was reassigned to the Honorable Ronald M.
5 Whyte,

6 WHEREAS, upon the reassignment to Judge Whyte, all dates previously set before the
7 Magistrate Judge were vacated;

8 WHEREAS, on May 15, 2008, a clerk's notice was entered rescheduling the hearing date on
9 the Defendants' motions to dismiss to July 25, 2008;

10 WHEREAS, counsel have conferred and due to the professional and personal schedules of
11 counsel and the parties, counsel respectfully request that the briefing and hearing dates be
12 rescheduled as follows:

- 13 (1) June 25, 2008 – Plaintiffs' opposition to Defendants' motions to dismiss due;
14 (2) August 1, 2008 – Defendants' reply brief to Plaintiffs' opposition to Defendants'
15 motions to dismiss due;
16 (3) August 15, 2008 – Hearing on Defendants' motions to dismiss;

17 WHEREAS, counsel agree that rescheduling the briefing and hearing dates regarding
18 Defendants' motions to dismiss would not be prejudicial to either party and would further promote
19 judicial efficiency;

20 IT IS HEREBY STIPULATED by the parties, by and through their undersigned counsel, that
21 the briefing and hearing dates will be rescheduled as follows:

- 22 (1) June 25, 2008 – Plaintiffs' opposition to Defendants' motions to dismiss due;
23 (2) August 1, 2008 – Defendants' reply brief to Plaintiffs' opposition to Defendants'
24 motions to dismiss due;
25 (3) August 15, 2008 – Hearing on Defendants' motions to dismiss.

1 DATED: May 16, 2008

DEWEY & LEBOEUF LLP

2 By: /s/ Kris H. Man
3 Kris H. Man, SBN 246008
4 Margaret A. Keane, SBN 255378
5 DEWEY & LEBOEUF LLP
6 One Embarcadero Center, Suite 400
7 San Francisco, CA 94111-3619
8 Telephone: (415) 951-1100
9 Facsimile: (415) 951-1180

Attorneys for Defendant
LSI Appraisal, LLC

10 DATED: May 19, 2008

DAVIS WRIGHT TREMAINE LLP

11 By: /s/ Stephen M. Rummage
12 Stephen M. Rummage, *Pro Hac Vice*
13 Martin L. Fineman, SBN 104413
14 505 Montgomery Street, Suite 800
15 San Francisco, CA 94111
16 Telephone: (415) 276-6500
17 Facsimile: (415) 276-6599

Attorneys for Defendant
Washington Mutual Bank

18 DATED: May 16, 2008

THACHER PROFFITT & WOOD LLP

19 By: /s/ Richard F. Hans
20 Richard F. Hans, *Pro Hac Vice*
21 Two World Financial Center
22 New York, NY 10281
23 Telephone: (212) 912-7400
24 Fax: (212) 912-7751

Attorneys for Defendant
First American eAppraiseIT

25 DATED: May 16, 2008

BRAUN LAW GROUP, P.C.

26 By: /s/ Michael D. Braun
27 Michael D. Braun, SBN 167416
28 12304 Santa Monica Blvd., Suite 109
Los Angeles, CA 90025
Telephone: (310) 442-7755
Facsimile: (310) 442-7756

Attorneys for Plaintiffs

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2
3 DATED: 5/22/08

Ronald M. Whyte
HONORABLE RONALD M. WHYTE